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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,163	06/02/2006	Danny A. Grant	IMM152B (I103 1940US)	3281

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EXAMINER

NAM, HYUN

ART UNIT	PAPER NUMBER
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2184

MAIL DATE	DELIVERY MODE
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01/03/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/538,163	Applicant(s) GRANT ET AL.	
	Examiner Hyun Nam	Art Unit 2184	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Henry W.H. Tsai/
 Supervisory Patent Examiner, Art Unit 2184

Applicant Argues, the Examiner has rejected claims 1, 3-5, 10, 12, 13, 26 and 28-31 under 35 U.S.C. § 102(e) as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a) allegedly obvious over, U.S. Patent Application Publication No. 2002/0177471 by Kaaresoja et al. ("Kaaresoja"), evidenced or in view of U.S. Patent No. 6,850,150 to Ronkainen ("Ronkainen"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest each and every feature of the claimed invention. Nonetheless, solely to expedite prosecution of this application, Applicants have amended the claims to clarify various features of the claimed invention. The references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest all the features of the claims as amended.

The Examiner disagrees and is confused. Applicant has not amended the claims 1, 3-5, 10, 12, 13, 26 and 28-31 submitted on 12/23/2010.

Applicant further argues, in response to Arguments Section of the Office Action, the Examiner alleges that Kaaresoja at Figure 1 discloses that a transceiver 104 receives and transmits tactile sensation patterns and that "the association one makes with phone number and tactile sensation received sufficient to encompass the scope of Applicant's invention." Office Action at page 16. However, as set forth in Applicants' reply dated August 11, 2010, the output signal as claimed "includes a haptic code." In stark contrast, making an association between a phone number and tactile sensation is entirely different from the output signal that already includes the haptic code as claimed. As such, Kaaresoja does not encompass the scope of Applicants' invention and therefore fails to disclose, teach or suggest at least the foregoing features of the claimed invention. Ronkainen does not cure at least this deficiency of Kaaresoja. For at the foregoing reasons, the references relied upon by the Examiner do not disclose, teach or suggest all the features of claims 1, 10, and 26.

Examiner disagrees. The figure 1 of Kaaresoja clearly shows vibration patterns are stored in memory. If the patterns are stored in memory then they are digital or binary data. These patterns must be decoded in the controller 106 so that proper control signal could be applied to vibration motor. These same patterns are transferred to Transceiver 104 so that they could be converted to wireless signal. Examiner concluded that these patterns are also a haptic code. Examiner would like to know why the Applicant believes these patterns are not haptic codes.

Applicant argues, In the Response to Arguments section of the Office Action, the Examiner alleges that Fukuhara et al., "Voice Cafe: Conversation Support System" ("Fukuhara") "makes a distinction between a 'wet information' and computer mediated communication. The one type wet information involves a person to person gossip or chat sessions with physical presence" and that Fukuhara "proposes a haptic communication that could emulate such wet information." Office Action at page 17. However, Fukuhara discloses exchanging wet information from individuals to groups of users (Fukuhara at figure 1) rather than haptic communication during chat sessions. Fukuhara mentions chat sessions as a way to communicate information generally, not a way to haptically communicate. See, e.g., Fukuhara at pages 1-2. As such, Fukuhara does not cure the deficiencies of the other references relied upon by the Examiner with respect to at least this feature of the claims as amended. As such, the rejection of claims 32-34 as amended is improper and must be withdrawn.

Examiner disagrees. Fukuhara recognizes that the existing e-mail, BBS, and chat session at the time of writing has limitations for sharing wet information (see Page 2). Fukuhara, thereafter, propose a haptic communication system that enables to share tactile information over the network (see Page 2). Fukuhara is proposing haptic communication system that adds to existing electronic communication systems. The Examiner maintains that adding haptic effect to chat session is obvious since Fukuhara recognized the chat session without haptic effect has limitations for sharing wet information.